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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,471	12/08/2003	Michael Kaiser	600.1290	2875
23280 7590 08/19/2009 Davidson, Davidson & Kappel, LLC 485 7th Avenue 14th Floor New York, NY 10018				
EXAMINER ZIMMERMAN, JOSHUA D				
ART UNIT		PAPER NUMBER		
2854				
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08/19/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/730,471

Applicant(s)

KAISER ET AL.

Examiner

JOSHUA D. ZIMMERMAN

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 11 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it unclear what applicants regard as their invention. For instance, the preambles set forth that the printing plate already has a burn-off area detachably fixed by supporting points which have *already* been left in place, which suggests that the plate has already been imaged. However, applicants then claim "leaving in place at least one of the supporting points ... if the number of image spots *to be imaged* ... exceeds the limit value ..." (emphasis added) It is therefore unclear if applicants intend to claim imaging the printing plate again. If not, it is unclear if the examining step is carried out with the imaging data only, before imaging of the printing plate.

Also, it is unclear how and by what means (that is, a machine, human, animal, etc.) the examination step occurs as no structure or means has been set forth to accomplish the examination or determination steps.

Furthermore, there are multiple references to a limiting value and a reference point. However, there are no positively recited process steps which set forth the establishment of said limiting value or reference point, nor is it set forth how one arrives at them.

It is, therefore, unclear exactly what applicants are trying to claim, and prior art

cannot be applied.

Appropriate correction and/or clarification are/is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-10 rejected under 35 U.S.C. 102(a) as being anticipated by Applicants' Admitted Prior Art (AAPA).

Regarding claim 1, AAPA teaches "a method for digital imaging of a printing form through application of energy (paragraph 0002 of applicants' specification), the printing form having a burn-off area detachably fixed by supporting points in the burn-off area (paragraph 0006), the supporting points being left in place on the printing form through non-imaging of image spots (paragraphs 0006 and 0008), the method comprising the steps of:

leaving in place at least one of the supporting points in at least one reference point if a number of image spots to be imaged in a surrounding area of the reference point exceeds a limit value and a boundary area in the surrounding area around the reference point contains only image spots to be imaged (paragraph 0008; Figure 5B. Examiner notes that at least some of the points 84 depicted in the prior art method shown in Figure 5B meet this limitation. Since the limit value and the boundary area are

not specifically defined, the middle supporting points in the letter "i" of Figure 5B are left in place, there being at least one pixel of image spots around said supporting points and a boundary area of one pixel radius around said supporting points containing only image spots to be imaged); and

detaching burn-off from the burn-off area from the printing form in a cleaning step (paragraph 0005)."

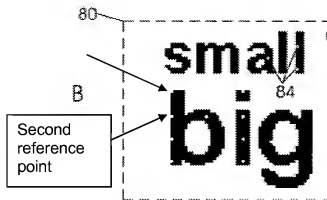
Regarding claim 2, AAPA further teaches "wherein the number of image spots to be imaged in a surrounding area of a reference point is determined in an analysis of the image data represented in digital form as a bit field (paragraph 0008)."

Regarding claim 3, AAPA further teaches "a calibration step prior to the leaving in place step wherein the distance from a first reference point to a second reference point of the at least one reference point is determined." Since the prior art method has a uniformly modified bit field (paragraph 0038), the distance between the reference points inherently must be determined.

Regarding claim 4, AAPA further teaches "wherein the at least one reference point includes a plurality of reference points distributed in a uniform grid over a printing area of the printing form (see figure 5B)."

Regarding claim 5, AAPA further teaches "wherein the distance from a first reference point to a second reference point of the at least one reference point matches an extent of the boundary area (see the marked area of figure 5 below)."

First ref- erence point (on the boundary)
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Regarding claim 6, AAPA discloses "a system for digital imaging of printing forms in a method as recited in claim 1 (paragraph 0005), the system comprising:

an energy source (last sentence of paragraph 0003),

a cleaning unit (paragraph 0005, line 4),

a control unit (an inherent feature of the system disclosed in paragraph 0005),

and

an image processing unit with a computing unit, wherein in the computing unit of the image processing unit a program is executable (an inherent property of the image processing unit described in paragraph 0008), the program having at least one executable step determining whether the limit value has been exceeded at a number of positions in a bit field representing the image data in digital form, the positions corresponding to the reference points (when choosing the three reference points in the letter 'i' of Figure 5B this limitation is inherent in the process of laying out the uniform grid, the limit value being interpreted to be the common distance between the middle point and the upper and lower points)."

Regarding claim 7, AAPA further discloses "wherein the image processing unit includes a raster image processor (this is an inherent feature of the digital processing described in the first sentence of paragraph 0008) and a data buffer for the image data represented in digital form as a bit field (first sentence of paragraph 0008)."

Regarding claim 8, AAPA further discloses "wherein the program has at least one executable step for modifying the bit field in at least one area at the positions at which the limit value is exceeded (third to last sentence of paragraph 0008)."

Regarding claim 9, AAPA further discloses "a printing unit comprising a system for imaging as recited in claim 6 (first line of paragraph 0005)."

Regarding claim 10, AAPA further discloses "a printing press comprising a printing unit as recited in claim 9 (first sentence of paragraph 0005)."

Response to Arguments

5. Applicants' arguments with respect to all the claims have been considered but are unpersuasive. Regarding applicants' argument that claim 1 "requires a determination" is not persuasive. The only positively recited process steps are:

- a) "leaving in place at least one of the supporting points if ..."
- b) "detaching burn-off ..."

Therefore, absent, at least, a positively recited step of analyzing image data to determine the number of image spots to be imaged in a surrounding area of the reference point, the method of AAPA is deemed to anticipate the claimed method.

Furthermore, since it is not set forth how one arrives at the limit value, one is free

to choose a limit value of zero. In addition, in the case of images which contain text which has at least two contiguous pixels (see the text in figure 5), the AAPA method of uniformly distributing supporting points is arrived at, since the image pixel is only switched off if it is to be imaged, and since the image must have at least two "on" pixels adjacent each other, "a boundary area in the surrounding area around the reference point contains only image spots to be imaged," since "a boundary area" can be interpreted to be just one pixel adjacent the reference point, since it is technically a boundary area surrounding the reference point.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA D. ZIMMERMAN whose telephone number is (571)272-2749. The examiner can normally be reached on M-R 8:30A - 6:00P, Alternate Fridays 8:30A-5:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joshua D Zimmerman
Examiner
Art Unit 2854

/J. D. Z./
Examiner, Art Unit 2854

/Judy Nguyen/
Supervisory Patent Examiner, Art Unit 2854